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General Assembly
Sixtieth session

*Official Records*

97th plenary meeting
Tuesday, 29 August 2006, 3 p.m.
New York

*President:* Mr. Eliasson ..... (Sweden)

*In the absence of the President, Mr. Swe (Myanmar), Vice-President, took the Chair.*

*The meeting was called to order at 3.10 p.m.*

**Agenda item 7 (*continued*)**

**Organization of work, adoption of the agenda and allocation of items: reopening of the consideration of item 161**

**The Acting President**: I now invite the attention of the General Assembly to documents A/60/989 and A/60/992, circulated under agenda item 161, entitled "Extension of the term of the permanent judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994".

Members will recall that the General Assembly concluded its consideration of agenda item 161 at its 91st plenary meeting, on 28 June 2006.

In order to enable the General Assembly to consider the letter dated 25 August 2006 from the Secretary-General and the letter dated 29 August 2006 from the President of the Security Council, both addressed to the President of the General Assembly, contained in documents A/60/989 and A/60/992, respectively, it will be necessary to reopen consideration of agenda item 161.

May I take it that it is the wish of the General Assembly to reopen its consideration of agenda item 161?

*It was so decided.*

**The Acting President**: In order for the General Assembly to take action expeditiously on documents A/60/989 and A/60/992, may I further take it that the Assembly agrees to proceed immediately to the consideration of agenda item 161?

*It was so decided.*

**Agenda item 161 (*continued*)**

**Extension of the term of the permanent judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994**

**Letter dated 25 August 2006 from the Secretary-General addressed to the President of the General Assembly (A/60/989)**

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

06-48116 (E)

**Letter dated 29 August 2006 from the President of the Security Council addressed to the President of the General Assembly (A/60/992)**

**The Acting President**: In his letter (A/60/989), the Secretary-General informs the Assembly that the President of the International Criminal Tribunal for Rwanda has requested that Judge Solomy Balungi Bossa, a national of Uganda, be authorized to continue to serve in the *Butare* trial, which is expected to continue into 2007. The Secretary-General, in his letter, recalls for the Assembly that Judge Bossa was elected by the Assembly as an ad litem judge on 25 June 2003 for a term of four years, ending on 24 June 2007. The Secretary-General also recalls for the Assembly that article 12 ter, paragraph 2, of the statute of the International Tribunal provides that

> "During their term, ad litem judges will be appointed by the Secretary-General, upon request of the President of the International Tribunal for Rwanda, to serve in the Trial Chambers for one or more trials, for a cumulative period of up to, but not including, three years."

The Secretary-General informs the Assembly that Judge Bossa was appointed by the President of the International Tribunal to serve as an ad litem judge in the *Ndindabahizi* trial effective 28 August 2003, and then in the *Butare* trial effective 20 October 2003, and that the *Butare* trial is expected to continue into 2007.

The Secretary-General also informs the Assembly that it is highly desirable that every effort be made to ensure that the International Tribunal remains in the best position to meet the target dates in its completion strategy. In that connection, allowing Judge Bossa to continue to serve in the *Butare* case until its completion will definitely assist in achieving that objective.

The Secretary-General further informs the Assembly that, in accordance with Assembly resolution 57/289, should the cumulative period of service of ad litem judges amount to three years or more, this will not result in any change in their entitlements and benefits and, in particular, will not give rise to any additional entitlements or benefits other than those that already exist and which will, in such an eventuality, be extended pro rata by virtue of the extension of their service.

Consequently, the Secretary-General would appreciate approval from both the Security Council, as the parent organ of the International Tribunal, and the General Assembly, as the organ that elects its judges, that Judge Bossa can continue to serve in the *Butare* trial until its completion.

In the letter addressed to the President of the General Assembly contained in document A/60/992, the President of the Security Council transmits the text of Council resolution 1705 (2006), of 29 August 2006, whereby the Council, inter alia:

> "Decides that notwithstanding article 12 ter of the statute of the International Criminal Tribunal for Rwanda, and notwithstanding that Judge Solomy Balungi Bossa's elected term as an ad litem judge of the Tribunal will, in accordance with article 12 ter of the Tribunal's statute, end on 24 June 2007, she be authorized effective 28 August 2006 to continue to serve as a judge in the *Butare* case until its completion."

If there is no objection, I propose that the Assembly decide to endorse this recommendation of the Secretary-General that was endorsed by the Security Council in its resolution 1705 (2006) of 29 August 2006.

*It was so decided.*

**Mr. Nsengimana** (Rwanda) (*spoke in French*): The Government of Rwanda welcomes the June 2006 decision by the Security Council and the General Assembly to extend the terms of 11 permanent judges and today's decision to extend the term of one ad litem judge of the International Criminal Tribunal for Rwanda (ICTR). The Government of Rwanda recognizes that those decisions will allow the Tribunal's work to continue with regard to the cases currently before it, thereby making it possible to implement the completion strategy. We call upon the Tribunal to continue to work with the completion strategy in view.

The authors of genocide still at large should not continue to escape justice, even after the Tribunal's work comes to an end, in 2008. The Tribunal's completion strategy should not be considered as a way out, allowing the international community to evade its responsibilities and obligations to bring all accused genocidaires before the ICTR or Rwandan courts. We welcome all appropriate measures aimed at ensuring

that those suspected of genocide are brought to trial even after the completion of the Tribunal's mandate. The international community should not allow notorious authors of genocide such as Felicien Kabuga and Augustine Ngirabatware to continue to escape justice. Were that to occur, it would both send a bad signal and set a bad precedent for all of us as regards our commitment to prevent crimes of genocide.

With regard to the transfer of cases to Rwandan jurisdictions, the Government of Rwanda is now working together with the Prosecutor of the ICTR to resolve all outstanding issues in such a way as to allow for their transfer. In that connection, Rwanda's criminal code is now being amended in parliament in order to review the issue of capital punishment. We welcome early indications that the Tribunal will proceed with the first transfers once these outstanding issues are resolved.

Concerning the transfer of convicted persons, the Government of Rwanda is of the view that those judged guilty by the Tribunal should be imprisoned in Rwanda, where the crimes were committed. That is very important not only for the sake of justice, but also for reasons of reconciliation. That issue has been debated between the Government of Rwanda and the ICTR. The Tribunal's main concern was the lack of prisons meeting international standards. That issue is resolved; two years ago, the Tribunal inspected a prison built with that objective in mind and found it to conform with international standards.

The Government of Rwanda thanks the Tribunal for the good cooperation. We are prepared to continue working with it to resolve the outstanding issues so that the completion strategy can be a success.

**The Acting President**: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 161?

*It was so decided.*

*The meeting rose at 3.20 p.m.*